

Jan. 27, 2011

Senate Fish & Game Committee Members:

Subject: Comments on SB 212 – Clarifying the authority of the FWP to manage wild buffalo or bison.

On behalf of the Gallatin Wildlife Association, please consider these comments and amendments to Senate Bill 212.

We appreciate the sponsor bringing this bill forward in a good faith attempt to address the future need for wild bison management in Montana. Although we remain opposed and very troubled with the language associated with Greater Yellowstone bison, which implies “disease control” and intervention by the Department of Livestock is necessary into matters related to wildlife management in the GYA, we see this bill as a worthy attempt to address the future management of bison known to be brucellosis-free. We remain sensitive to the concerns of the livestock industry to protect domestic livestock from brucellosis and we will continue to work with them in that regard while pursuing reasonable steps to see bison managed as free roaming wildlife both in and outside the GYA. However, this bill needs to be significantly modified to achieve that goal. We can not support the bill as written but we can support this bill with the following amendments:

Page 2,

Lines 4-6: reinsert the deleted language.

Line 7: delete “Subject to section (6)” and insert “Beginning with the effective date of this Act,”

Lines 9-19: delete all language starting with “A plan must include...”

Lines 24-28: delete sections (5) & (6)

Page 3,

Lines 4-6: delete this entire New Section

I have attached a copy of the legislation with our suggested amendments, which we believe respect the concerns of the livestock industry regarding brucellosis in the GYA while instructing the FWP to begin a long overdue State-wide public planning process for wild bison management in Montana. We would welcome the opportunity to work with the sponsor and any interested committee members to carve out a solution here.

Respectfully,



Glenn Hockett – 586-1729

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2011 Montana Legislature

[Additional Bill Links](#) [PDF \(with line numbers\)](#)

SENATE BILL NO. 212

INTRODUCED BY R. RIPLEY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MANAGE WILD BUFFALO OR BISON; REQUIRING A MANAGEMENT PLAN BEFORE WILD BUFFALO OR BISON MAY BE RELEASED OR TRANSPLANTED ONTO PRIVATE OR PUBLIC LAND; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-216, MCA, is amended to read:

"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of this section:

(a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a species requiring disease control;

(b) to designate other wild buffalo or bison as a species in need of management; and

(c) to set out specific duties for the department for management of the species.

(2) The department:

(a) is responsible for the management, including but not limited to public hunting, of wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

(b) shall consult and coordinate with the department of livestock on implementation of the provisions of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease-free; and

(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous

disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease. The department may, after agreement and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious disease, pursuant to 87-2-730.

(3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to person or property.

(4) Beginning with the effective date of this Act, the department shall develop and adopt a management plan before any wild buffalo or bison under the department's jurisdiction may be released or transplanted onto private or public land in Montana.

(5) When developing a management plan in accordance with subsection (4), the department shall provide the opportunity for public comment and hold a public hearing in the affected county or counties. The department shall respond to all public comment received and publish a full record of the proceedings at any public hearing.

(6) When adopting and implementing rules regarding the special wild buffalo or bison license issued pursuant to 87-2-730, the department shall consult and cooperate with the department of livestock regarding when and where public hunting may be allowed and the safe handling of wild buffalo or bison parts in order to minimize the potential for spreading any contagious disease to persons or to livestock."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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